

FILED

MAY 14 2018

WASHINGTON STATE
SUPREME COURT

COURT OF THE STATE OF WASHINGTON

State of Washington,
Respondent,

v.

BOBBY D. COLBERT,
Appellant.

No. 95844.1

C.O.A. No. 76714-3

Motion To Overrule
Prior Decision

COMES NOW Appellant Colbert and moves this Court to overrule State v. Clarke, 156 Wn.2d 880, 134 P.3d 188 (2006).

Colbert's case is ripe for review regarding the context of indeterminate life sentences for sex offenders being imposed without notification and without authority. Blakely v. Washington, 542 U.S. 296 (2004); Apprendi v. New Jersey, 530 U.S. 466 (2000); CrR 2.1(a)(1).

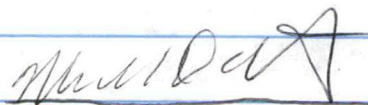
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STATE OF WASHINGTON
2018 APR 30 PM 12:00

This Court expressed that it was "not given an opportunity to explore whether Clarke remains good law." State v. Goss, 186 Wn. 2d 372, 378 P.3d 154 (2016).

In this case, the trial court imposed life as the TOTAL TERM OF CONFINEMENT. The charging document is void of any notification of an exceptional sentence. RCW 9A.712 was unconstitutionally applied to the facts of the case. No authority authorized a sentence beyond the standard range of 102-136 months.

Relief.

Appellant Colbert respectfully requests this Court revisit the context of indeterminate sentences for sex offenders and to subsequently overrule Clarke.



Bobby D. Colbert
April 26, 2018